

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 13-42400 (AIH)
)	
Lisa Centric)	Chapter 7
)	
)	
Debtor)	Judge Arthur I. Harris

**MOTION OF UNITED STATES TRUSTEE FOR ENTRY
OF AN ORDER REOPENING CASE, DEFER FILING FEE,
AND DIRECTING APPOINTMENT OF CHAPTER 7 TRUSTEE**

Daniel M. McDermott, United States Trustee for Region 9 (the “United States Trustee”), by and through his undersigned counsel, pursuant to his administrative responsibilities, hereby moves (the “Motion”), pursuant to section 350(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 5010 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule”), this Court for entry of an order (i) reopening the above-captioned chapter 7 case of Lisa A. Centric (“Debtor”); (ii) deferring the filing fee in connection with this Motion until the chapter 7 trustee makes a final distribution in the Debtor’s case; and (iii) directing the appointment of a chapter 7 trustee to investigate and administer a recently discovered asset. In support of this Motion, the United States Trustee states the following:

Jurisdiction

1. Court has jurisdiction over this matter under 28 U.S.C. §§ 1334(a) and (b); 28 U.S.C. §§ 157(a) and (b); and 28 U.S.C. § 151, and General Order No. 2012 entered on April 4, 2012 by the United States District Court. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (B). The United States Trustee has standing to file this Motion pursuant to 11 U.S.C. §§ 307 and 350 and 28 U.S.C. § 586(a)(5).

2. Under 28 U.S.C. § 586, the United States Trustee is generally charged with monitoring the federal bankruptcy system. *See Morgenstern v. Revco D.S., Inc. (In re Revco D.S., Inc.)*, 898 F.2d 498, 500 (6th Cir. 1990).

3. Under section 307 of the Bankruptcy Code, the United States Trustee has standing to be heard on the Motion.

Background

4. On October 31, 2013 Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code. The United State Trustee appointed Mark A. Beatrice to serve as chapter 7 trustee (“Trustee”). The Trustee held and concluded the first meeting of creditors pursuant to section 341 of the Bankruptcy Code on December 10, 2013.

5. The Trustee recovered assets in the case and on January 31, 2018 filed a *Final Report and Account*. See Docket No.58. The Trustee distributed all funds and on May 15, 2018, a Final Account was filed and the case was closed. See Docket Nos. 63 and 64.

6. Recently, it has come to the attention of the United States Trustee that additional funds have become available and these funds appears to be an asset of the estate.

7. Section 350(b) of the Bankruptcy Code and Bankruptcy Rule 5010 provide for the reopening of a bankruptcy case to administer assets or for other cause. The United States Trustee is requesting that the Court reopen the case and allow him to appoint a chapter 7 trustee to investigate and collect all assets due the estate.

8. The United States Trustee requests the filing fee to reopen the case is deferred until the chapter 7 trustee makes a final distribution in the Debtor’s case.

9. Based on the foregoing, the United States Trustee asserts that he has met the burden under section 350(b) of the Bankruptcy Code and Bankruptcy Rule 5010, and contends that granting the requested relief is appropriate under the facts of this case.

WHEREFORE, the United States Trustee respectfully requests this Court enter an order pursuant to 11 U.S.C. §350 and Fed. R. of Bank. Proc. 5010 reopening this case, directing the appointment of a trustee to investigate and collect recently discovered assets, and deferring payment of any fees until final distribution in the case.

Respectfully Submitted,

Daniel M. McDermott
United States Trustee, Region 9

by: /s/ Maria D. Giannirakis
Maria D. Giannirakis (0038220)
Trial Attorney
United States Department of Justice
Office of the U.S. Trustee
201 Superior Avenue East, Ste. 441
Cleveland, Ohio 44114
(216) 522-7800, Ext. 222
(216) 522-7193 (facsimile)

Certificate of Service

I certify that on January 31, 2019 a true and correct copy of the *Motion of United States Trustee for Entry of an Order Reopening Case, Deferring Filing Fee, and Directing Appointment of Chapter 7 Trustee* was served upon the following in the manner indicated:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Brent E. Baker BBaker@mnblawyers.com, dgroubert@mnblawyers.com
- Mark A. Beatrice dgroubert@mnblawyers.com, mbeatrice@ecf.epiqsystems.com
- David B Bokor amps@manleydeas.com
- Timothy F. George timgeorge@timgeorgelaw.com
- United States Trustee (Registered address)@usdoj.gov
- Keith D Weiner bankruptcy@weinerlaw.com

And by regular U.S. Mail, postage prepaid to:

- Lisa A. Centric
1469 White Oak Drive, NE
Warren OH 44484

by: Maria D. Giannirakis
Maria D. Giannirakis (0038220)
Trial Attorney
United States Department of Justice
Office of the U.S. Trustee
201 Superior Avenue East, Ste. 441
Cleveland, Ohio 44114
(216) 522-7800, Ext. 222
(216) 522-7193 (facsimile)